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|---|-------------|----------------------|---------------------------------|-----------------------------|
| 09/617,169  | 07/17/2000  | Brent E. Pearson     | 255/081                         | 7640                        |
| 51111 7590 05/16/2007<br>AKA CHAN LLP<br>900 LAFAYETTE STREET<br>SUITE 710<br>SANTA CLARA, CA 95050 |             |                      | EXAMINER<br>SPOONER, LAMONT M   |                             |
|   |             |                      | ART UNIT<br>2626                | PAPER NUMBER                |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

09/617,169

Applicant(s)

PEARSON ET AL.

Examiner

Lamont M. Spooner

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 5/03/2006 have been fully considered but they are not persuasive.

In response to Applicant's arguments regarding the 112 rejection , The Examiner notes JavaScript code to perform opening of the translation window, and opening the webpage window. However this is not claimed in claim 23 or 23. The Examiner does not note anywhere in the disclosure, teaching wherein the translation window and the web page window are not initially frames. The Examiner does not find this or any suggestion of what the translation window and web page window are initially. The Examiner notes that translation windows and web page windows are created by a program, as are frames, web pages, web page windows, and appears to be initiated from a window, or frame layout, Fig. 3 and Fig. 4, the interface with the user, containing the "Go" button.

2. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion,

or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Word reference contains the translation window with at least an one additional frame containing the phrase "Translation Center" or event the Cheap Tickets frame (see example, Word Reference also Gibson at Fig. 3 item 17b- banner and ad frames/windows) . Gibson provides the benefit of having two web pages concurrently displayed for manipulation and managing (C.5.lines 10-12), thereby allowing one to view the translation window along side a desired secondary web page, without having the view of either page obstructed by either opposite page.

3. In response to Applicant's arguments, "The cited references do not show or suggest "a translation window that is created by a program associated with a primary web page."" See previous rejection, and word referece.com Web page window, as it is inherent.

4. In response to applicant's arguments against the references individually, "Further, the cited references do not suggest "a translation window" and a "web page window." and "Further, the cited references do

not show "the translation window and the web page winde are positioned and sized ...overlapping." and "The cited references do not show or suggest a "ertiary web page" which replaces ...", one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2-4, 6, 8-13, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Word Reference (Oct. 13, 1999) in view of (Gibson US Patent No. 6,313,854 filed Oct. 16, 1998).

Word Reference and Gibson are analogous art in that they both involve the use of web pages .

As per **claim 1**, Word Reference discloses a system for language translation comprising:

a translation window that is created by a program associated with a primary web page and is opened in conjunction with a web page window (WordReference drawing, WordReference.com-web page):

an input field for a user to provide information in a first language (WordReference drawing, web page);

a translator that is linked to a translation dictionary database (WordReference drawing-information is translated on-line/Internet, from a first language into a second language which inherently requires a link to a database/dictionary); and

an output field comprising information in a second language corresponding to a translation of the information in the first language (WordReference drawing, web page-"luchar").

Word Reference does not disclose:

opening a web page window containing a secondary web page wherein the translation window and the web page window are positioned and sized so that the translation window and the web page window fit on one screen without overlapping.

However, Gibson teaches opening a web page window containing a secondary web page wherein both windows are positioned and sized so

that the windows fit on one screen without overlapping (Fig. 7 items 112c, 112a, C.8.lines 50, 51-“tiled”, C. 9.lines 35-38, C.8.line 6-C.9.line 20).

Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to combine WordReference with Gibson by having a translation window as a first parent browser which is tiled, therefore non-overlapping, to a web page window, thereby fitting on one screen without overlapping. The motivation for doing so would have been to have two web pages concurrently displayed for manipulation and managing (Gibson C.5.lines 10-12), thereby allowing one to view that translation web page along side a desired secondary web page, without having the view of either page obstructed by either opposite page.

As per **claim 2**, Word Reference and Gibson disclose all of the limitations of claim 1, upon which claim 2 depends. Word Reference further discloses:

the translation window comprises the input field and the output field (WordReference drawing-“English to Spanish” input field, and “luchar” output field).

As per **claim 3**, Word Reference and Gibson disclose all of the limitations of claim 1, upon which claim 3 depends. Word Reference further discloses:

the translation window comprises a translation direction field (WordReference drawing-“English to Spanish” field).

As per **claim 4**, Word Reference and Gibson disclose all of the limitations of claim 1, upon which claim 4 depends. Word Reference further discloses:

the input field accepts as information a word or a phrase in the first language (WordReference drawing-“Figure out”).

As per **claim 6**, Word Reference and Gibson disclose all of the limitations of claim 1, upon which claim 6 depends. Word Reference further discloses:

the input field accepts as information a single word at a time in the first language (WordReference drawing-allows pasting a word into the input field).

As per **claim 8**, Word Reference and Gibson disclose all of the limitations of claim 1, upon which claim 8 depends. Word Reference further discloses:



the input field accepts information via an input format from a group of input formats comprising typed input, drag-and-drop input, and right-click mouse input (WordReference drawing-accepts typed, drag-and-drop, and right-click mouse input).

As per **claim 9**, Word Reference and Gibson disclose all of the limitations of claim 1, upon which claim 9 depends. Word Reference does not disclose:

the secondary web page is replaced by a tertiary web page in the web page window while the translation window remains open, and wherein the web page window containing the tertiary web page and the translation window fit on a screen without overlapping.

However, Gibson teaches having the secondary web page is replaced by a tertiary web page in the web page window while the translation window remains open, and wherein the web page window containing the tertiary web page and the translation window fit on a screen without overlapping (C.9.lines 10-19, 36-38-either parent browser may be manipulated into a tertiary web page window while remaining tiled. Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to combine WordReference with Gibson. The

motivation for doing so would have been to have two web pages concurrently displayed for manipulation, one of the web pages loading a tertiary web page, and managing (Gibson C.5.lines 10-12), thereby allowing one to view that translation web page along side a desired secondary web page, without having the view of either page obstructed by either opposite page.

As per **claim 10**, Word Reference discloses a system for language translation on the Internet comprising:

a translation window that is created by a program associated with a primary web page and is opened in conjunction with a web page window ("WordReference" drawing, web page):

an input field for a user to provide information in a first language (WordReference drawing, web page);

a translator that is linked to a translation dictionary database (WordReference drawing-information is translated on-line/Internet, from a first language into a second language which inherently requires a link to a database/dictionary); and

an output field comprising information in a second language corresponding to a translation of the information in the first language (WordReference drawing, web page-"luchar").

Word Reference does not disclose:

opening a web page window containing a secondary web page wherein the translation window and the web page window are positioned and sized so that the translation window and the web page window fit on one screen without overlapping.

However, Gibson teaches opening a web page window containing a secondary web page wherein both windows are positioned and sized so that the windows fit on one screen without overlapping (Fig. 7 items 112c, 112a, C.8.lines 50, 51-"tiled", C. 9.lines 35-38, C.8.line 6-C.9.line 20).

Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to combine WordReference with Gibson. The motivation for doing so would have been to have two web pages concurrently displayed for manipulation and managing (Gibson C.5.lines 10-12), thereby allowing one to view that translation web page along side a desired secondary web page, without having the view of either page obstructed by either opposite page.

As per **claim 11**, Word Reference discloses a method for language translation comprising:

providing a translation window that is generated by a program associated with a primary web page (WordReference.com drawing, web page);

receiving input information in a first language (Word Reference drawing, below “English to Spanish” field);

translating the input information from the first language to information in a second language (WordReference drawing, “fight” translated into “luchar”); and

outputting the information in the second language (WordReference drawing, “luchar”).

Word Reference does not disclose:

opening the translation window in conjunction with a web page window;

adjusting the size and position of the translation window so that the translation window and the web page window fit on one user-viewable screen.

However, Gibson teaches opening a window in conjunction with a web page window (C.9.lines 36-38) and adjusting the size and position of the window so that the window and the web page window fit on one user-viewable screen (Fig. 7 items 112c and 112a, C.8.lines 50-55, C.8.line 6-C.9.line 20). Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to combine WordReference with Gibson. The motivation for doing so would have been to have two web pages concurrently displayed for manipulation, as in adjusting the size and position of a window, and managing (Gibson C.5.lines 10-12), thereby allowing one to view that translation web page along side a desired secondary web page, without having the view of either page obstructed by either opposite page.

As per **claim 12**, Word Reference and Gibson disclose all of the limitations of claim 11, upon which claim 12 depends. Word Reference further discloses:

receiving the input information from the first language and outputting the information in the second language are performed via the translation window (WordReference drawing).

As per **claim 13**, Word Reference and Gibson disclose all of the limitations of claim 11, upon which claim 13 depends. Word Reference further discloses:

providing a translation direction field (WordReference drawing, "English to Spanish").

As per **claim 15**, Word Reference and Gibson disclose all of the limitations of claim 11, upon which claim 15 depends. Word Reference further discloses:

accepting input information from a group of input formats comprising typed input, drag-and-drop input, and right-click mouse input (WordReference drawing, accepts typed, drag-and-drop input and right click mouse input).

As per **claim 16**, Word Reference and Gibson disclose all of the limitations of claim 11, upon which claim 16 depends. Word Reference does not disclose:

maintaining the web page window with any web page hosted on the Internet.

However, Gibson teaches maintaining the web page window with any web page hosted on the Internet (C.7.lines 25-27, C.9.lines 10-20, 36-38).

Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to combine WordReference with Gibson. The motivation for doing so would have been to have a web page concurrently displayed for manipulation in conjunction with any web page on the Internet, thereby allowing one to view that translation web page along side a desired secondary web page.

As per **claim 17**, Word Reference and Gibson disclose all of the limitations of claim 11, upon which claim 17 depends. Word Reference further discloses:

executing the program associated with the primary web page to translate input information (WordReference drawing-accepts information from any web page hosted on the Internet.

As per **claims 24-44**, Word Reference and Gibson make obvious the above claims. The Examiner further takes Official Notice creating a program in JavaScript, and the storing thereof at a website, invoking a program by selecting a link, JavaScript language code and program prompts to select a translation language of Spanish, cancel selecting a translation language, JavaScript code and having a program prompt for inputting a URL for a secondary web page, determining where a user has

selected a supported translation language, was well known in the art at the time of the invention, (the program code performing the functions of Gibson, and WordReference, as in opening a new browser window, and translation direction as indicated from WordReference and properly combined, wherein Gibson further teaches C.10.lines 5-10-implementation in other program languages.).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Word Reference in view of Gibson, and further in view of Park et al. (US Patent number 6,064,951 filed January 12, 1998).

Word Reference, Gibson and Park et al. are analogous art because they are in the computer information display field.

As per **claim 5**, Word Reference and Gibson disclose all the limitations of claim 1, upon which claim 5 depends.

Word Reference in view of Gibson does not disclose:

the input field accepts as information one to five words at a time.

However, Park et al. discloses the input field accepts as information one to five words at a time (Fig. 7 Col.7.lines 15, 16). Therefore it would have been obvious to a person ordinarily skilled in the art to combine Word Reference and Gibson with Park et al. The motivation for combining the



method of input of information to the translation window is to have accurate and easier methods of data input.

8. **Claims 7 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Word Reference in view of Gibson, and further in view of "Welcome to the new R-O-Matic Italian/English Dictionary." (May 13, 1998).

Word Reference, Gibson and R-O-Matic Italian/English Dictionary are analogous art because they are in the computer information display field.

As per **claim 7**, Word Reference and Gibson disclose all of the limitations of claim 1, upon which claim 7 depends.

Word Reference in view of Gibson does not disclose:

the translator accepts a search modifier from a group of search modifiers comprising exact match, contains, and starts with.

However, "Welcome to the new R-O-Matic Italian/English Dictionary" demonstrates the choice of a search modifier from a group of search modifiers comprising of "exact match," "contains," and "starts with." Therefore it would have been obvious to a person ordinarily skilled in the art to combine Word Reference and Gibson with "Welcome to the new R-O-Matic Italian/English Dictionary." The motivation for using the search modifier is to broaden the chance of finding the desired translation.

As per **claim 14**, Word Reference and Gibson disclose all of the limitations of claim 11, upon which claim 14 depends.

Word Reference in view of Gibson does not disclose:  
accepting a search modifier from a group of search modifiers comprising an exact match, contains, and starts with.

However, "Welcome to the new R-O-Matic Italian/English Dictionary" demonstrates the choice of a search modifier from a group of search modifiers comprising of "exact match," "contains," and "starts with." Therefore it would have been obvious to a person ordinarily skilled in the art to combine Word Reference and Gibson with "Welcome to the new R-O-Matic Italian/English Dictionary." The motivation for using the search modifier is to broaden the chance of finding the desired translation.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M Spooner whose telephone number is 703/305-8661. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 703/305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms  
7/27/2006



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